

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|--------------------------|---|--------------|
| PDC MACHINES INC. | : | CIVIL ACTION |
| | : | |
| v. | : | No. 17-5399 |
| | : | |
| NEL HYDROGEN A/S | : | |
| <i>formerly known as</i> | : | |
| H2 LOGIC A/S, et al. | : | |

ORDER

AND NOW, this 15th day of June, 2018, upon consideration of Defendants Nel Hydrogen A/S and Joshua Andrew Adams's Motion to Dismiss Counts 1-3, 6 and 9 of Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff PDC Machines Inc.'s Motion for Expedited Discovery and Entry of Protective Order, and Defendants' Motion for Pre-discovery Identification of Trade Secrets; the responses and replies thereto; and the parties' presentations at the May 24, 2018, oral argument, and for the reasons set forth in the accompanying Memorandum, it is ORDERED:

- Defendants' Motion to Dismiss Counts 1-3, 6 and 9 of Complaint (Document 7) is GRANTED in part and DENIED in part. The Motion is GRANTED as to Count 3, which is DISMISSED as withdrawn. The balance of the Motion is DENIED.
- Plaintiff's Motion for Expedited Discovery and Entry of Protective Order (Document 19) is DISMISSED as moot, the parties having agreed to a 90-day fact discovery period and a stipulated protective order in this case.
- Defendants' Motion for Pre-discovery Identification of Trade Secrets (Document 23) is also DISMISSED as moot, Plaintiff having produced a list of its trade secrets. Once Defendants have produced discovery in this case, Plaintiff may amend its list of trade secrets only with leave of court upon a showing of good cause.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.